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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,432	10/20/2003	Julianne Bielski	RPS920030021US1	2798
83227 7590 10/01/2009 LAW OFFICE OF JIM BOICE 3839 Bee Cave Road Suite 201 WEST LAKE HILLS, TX 78746				
EXAMINER				
RICEK, JASON D				
ART UNIT		PAPER NUMBER		
2442				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/689,432

Applicant(s)

BIELSKI, JULIANNE

Examiner

JASON RECEK

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 11-14, 16 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-14, 16, 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is in response to the amendment filed on June 15th 2009.

Status of Claims

Claims 1-3, 5-9, 11-14, 16 and 22-24 are pending.

Claims 1-3, 5-9, 11-14, 16 and 22-24 are rejected under 35 U.S.C. 103(a).

Claims 23 is rejected under 35 U.S.C. 112, second paragraph.

Response to Arguments

1. Applicant's arguments filed 6/15/09 have been fully considered but they are not persuasive.
2. Applicant argues that a combination of the cited art does not teach "sending the alert packet to the destination address" (of the management server), "the alert packet includes the received requested IP address ..." (pg. 9). It is noted that applicant is arguing the term "includes" but the claims have been amended to recite "comprises". Since these terms having similar meaning this is not fatal to applicant's argument. Nonetheless, applicant's arguments are not persuasive. Applicant refers to several paragraphs of Hanson and concludes that Hanson does not teach the remote management processor sending a packet to the management server but rather that the IP address is sent directly from the DHCP server to the management server (pg. 9-11).

It is respectfully submitted that applicant is misconstruing the reference. Hanson explicitly discloses (paragraph 287) that "Mobile End System 104 and Mobility Management Server 102 take advantage of the automatic configuration functionality of DHCP, and **coordinate together** to ensure that the Mobility Management Server recognizes the Mobile End System's "new" network address". It is clear from this sentence that the end system (remote management processor) and the management server are talking together, not the DHCP and management server as suggested by applicant. The listeners referenced by applicant (pg. 10-11) and disclosed by Hanson (paragraph 289) clearly refer to "a Mobile End System listener", not a management server listener as suggested by applicant. Therefore, Hanson discloses sending an alert packet to the management server as recited by the claims.

Applicant does not mention the new limitation "comprises a shelf life". This limitation is disclosed by Hanson (paragraph 286) as discussed in the rejection below.

3. Applicant also argues that a combination of the art does not disclose the new claims (pg. 11-12). This is not persuasive because no reasoning is given. Examiner appreciates the reference to the specification supporting the new claims. The portions of the specification referenced have been reviewed and the claims do not present new matter. However, the new claims are properly rejected below under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 recites the limitation "the DHCP server" in line one. There is insufficient antecedent basis for this limitation in the claim. The IP issuing computer of claim 1 may use DHCP but it is not clear that it is a DHCP server. Please use consistent language.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-9, 11-14, 16 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. US 2003/0120811 A1 in view of Doherty et al. US 2003/0018763 A1.

Regarding claim 1, Hanson discloses "providing an internet protocol (IP) address" as using a DHCP server to provide clients with a network address (paragraph 286), "configuring an IP address issuing computer to include a plurality of IP addresses

... to be assigned to at least one remote management processor which is coupled to a remote hardware server" as a DHCP server that issues IP address to clients (management processor) which are connected to a remote management system (Fig. 1, paragraphs 286-287). Examiner searched for a definition of "management processor" in the specification only to find a brief description of it in the background section (pg. 1). Since the client disclosed by Hanson contains a processor that is coupled to a management server, the client disclosed by Hanson is a reasonable interpretation of the term "management processor". Hanson also discloses "Option data comprises an IP address of a management server" as configuration information that allows a client to connect to a management server (paragraph 287), "hardware resources" as the computer system described would necessarily contain hardware (Fig. 1);

"sending a request from the ... processor to the IP address issuing computer" as sending a DHCP request (paragraph 286);

"in response to the request, receiving from the IP issuing computer ... the requested IP address" as receiving an available address (paragraph 286), "and the Option data" as configuration information (paragraph 287); and

"in response to the detecting of the Option data, automatically sending the alert packet ... such that the alert packet comprises the received requested IP address" as the end system and the management server coordinate together to ensure the server is aware of the issued IP address (paragraphs 287-288).

Hanson does not explicitly teach,

"in response to receiving the acknowledgment ... storing in the remote management processor, as a destination address for sending an alert packet, the received IP address of the management server" however this is taught by Doherty as receiving a file from the DHCP containing multiple destination addresses including the management server's address (paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to store the information received from the DHCP server for future use. Hanson teaches this information allows communication (paragraph 287) but does not explicitly teach what is included or that it is stored. Doherty is cited for showing the DHCP interaction in more detail and thus the combination is merely following the DHCP RFC which outlines the complete protocol.

The combination of Hanson and Doherty does not explicitly disclose "the alert packet further comprises a shelf life of the received requested IP address" however Hanson does teach (paragraph 286) that the received IP address has a lease duration (i.e. shelf life) and that the end system informs the management server of the received IP address (paragraph 287). It would have been obvious to one of ordinary skill in the art at the time of the invention to inform the management server of the lease duration as well. The purpose of the management server is to manage the remote system. Once the IP address expires the management server will no longer be able to contact the remote system directly. Thus, it would have been obvious to inform the management system of the IP address' lifetime for the purpose of managing.

Regarding claim 2, Hanson discloses "the management server stores information ... includes the IP address assigned to the at least one remote management processor" as a management server recognizing the end system's (processor) network address (paragraph 287), and "a shelf life of the assigned IP address" as the address is assigned for a specific period (lease duration) this is equivalent to a shelf life (paragraph 286).

Regarding claim 3, Hanson discloses "the IP address issuing computer is a DHCP server" (paragraph 286). Hanson does not explicitly disclose "the management server is running a management server software package to manage the at least one remote management processor" however this is taught by Doherty as a management server that has software for managing client requests (paragraphs 39-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Hanson with the management software of Doherty for the purpose of managing. Hanson teaches a management server, the addition of management software is merely the combination of known elements according to their established function that yields a predictable result.

Regarding claim 5, Hanson discloses "sending of the request ... is automatically prompted by ... being powered on" as sending a request at boot time (paragraph 286).

Regarding claims 7-9 and 11, they are system claims that correspond to the method of claims 1-3 and 5 respectively. Therefore they are rejected for similar reasons.

Regarding claims 12-14 and 16, they are medium claims that correspond to the method of claims 1-3 and 5 respectively. Therefore they are rejected for similar reasons.

Regarding claim 22, it is a method claim that corresponds to claim 1, therefore it is rejected for similar reasons.

Regarding claim 23, Hanson discloses "identifying which IP addresses the DHCP server is authorized to assign" as the DHCP server has a pool of available addresses (paragraph 286).

Regarding claim 24, Hanson does not explicitly disclose "alert packet is transmitted from said at least one remote processor without ... an operating system" however this would have been obvious to one of ordinary skill in the art at the time of the invention. Protocols such as BOOTP and DHCP allow a dummy terminal to receive an IP address and boot from a network. These protocols are well known in the art. Thus, this is merely the combination of known elements according to their established function in order to yield a predictable result.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson and Doherty as applied to claims 1-5 above, and further in view of Giglio et al. US 2004/0039821 A1.

Regarding claim 6, Hanson and Doherty do not explicitly disclose "an administrator of the management server defines the Option data" however this is taught by Giglio as manual configuration of network information (paragraph 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to manually configure certain network information as taught by Giglio for the purpose of setting up a network. Manual configuration is well known in the art and yields predictable results.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson et al. US 2003/0163584 A1 discloses a manager monitoring the time to expire for an IP address (paragraph 12).

Waters US 2002/0052876 A1 discloses a management server and a method for managing IP addresses (abstract).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Fri 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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